

REMARKS

The below-signing attorney for the applicants wish to thank Examiner Lao and Chin for their consideration and help during the telephonic Interview of 3/4/09. As discussed during the Interview, the below-signing attorney believes that the cited references does not meet the claim limitation requiring transmission of the detected audio along with a tone burst from the transmitter to the receiver. As agreed during the Interview, the Examiner will consider this contention are respond appropriately.

Claims 1-20 are pending in this Application. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,954,538 to Shiraishi in view of U.S. Pat. No. 7,349,667 to Magee et al. and U.S. Pat. No. 6,021,119 to Derks et al. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been further limited to “modulating a tone burst with a frame of data.” The modulation of the tone burst is discussed in paragraph [0025] of the specification.

Independent claim 1 has also been further limited to “mixing the modulated tone burst with the detected audio signal.” Independent claims 17 and 19 have been similarly limited. The

mixing the modulated tone burst with the detected audio signal within a mixer 710 is discussed in paragraph [0051] and is shown in FIG. 7.

Independent claim 1 has also been further limited to “modulating the mixed audio signal and modulated tone burst.” Independent claims 17 and 19 have been similarly limited. The modulation of the mixed audio signal and modulated tone burst within a modulator 712 is discussed in paragraph [0051] and is shown in FIG. 7.

Claims 1-14 are now clearly differentiated over Shiraishi, MaGee et al. and Derks et al. For example, claim 1 is limited to “detecting an audio signal . . . ; mixing the modulated tone burst with the detected audio; . . . transmitting the modulated audio signal and tone burst from the transmitter to the receiver.” As noted above, the transmission of the mixed tone burst and detected audio is discussed in paragraph [0051] and is shown in FIG. 7.

It may be noted in this regard that Shiraishi operates exactly the opposite as that of the claimed invention. In this regard, if the Shiraishi remote control 300 is the transmitter, then the Shiraishi remote control 300 does not transmit a “modulated audio signal . . . from the transmitter to the receiver.” This is necessarily the case because the Shiraishi remote control 300 transmits analysis results (characteristics) regarding the receiver 100, not characteristics of the remote control 300.

Shiraishi also fails to provide any “frame of data containing two or more characteristics regarding said transmitter disposed within respective predetermined locations of the frame.” Instead, Shiraishi merely transmits characteristics of tones received by the remote control 300.

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McGee et al. also fails to meet these claim limitations. For example, McGee et al. merely transfers training tones. Nowhere within McGee et al. is there “a frame of data, including a header with address information, a payload and a trailer . . . said payload of said frame of data containing two or more characteristics regarding said transmitter disposed within respective predetermined locations of the frame.”

Derks et al. also fails to meet these claim limitations. In this regard, Derks et al. merely transfers packets 50, 52 between a base 21 and remote systems 23.

In general, none of the combination of Shiraishi, McGee et al. or Derks et al. provide any teaching or suggestion of the transmission of a “modulated audio signal . . . from the transmitter to the receiver” or of “a frame of data, including a header with address information, a payload and a trailer . . . said payload of said frame of data containing two or more characteristics regarding said transmitter disposed within respective predetermined locations of the frame.”

As such, the combination of Shiraishi, McGee et al. and Derks et al. do not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claim 15 and 16 stand rejected under 35 U.S.C. §103(a) as being obvious over Shiraishi in view of McGee et al., Derks et al. and U.S. Pat. No. 6,337,913 to Chang. Applicants respectfully traverse these rejections.

It may be noted in this regard that claims 15 and 16 are dependent upon claim 1 and includes all of the limitations of claim 1. As such claims 15 and 16 are limited to “detecting an audio signal . . . ; modulating a tone burst with a frame of data . . . ; mixing the modulated tone

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burst with the detected audio signal; modulating the mixed audio signal and modulated tone burst; transmitting the mixed radio frequency signal and tone burst from the transmitter to the receiver.”

Moreover, Chang (as with Shiraisi, McGee et al. and Derks et al.) also fails to teach or suggest these claim limitations. As such, the combination of Shiraisi, McGee et al., Derks et al. and Chang do not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being obvious over Derks et al. in view of U.S. Pat. No. 6,872,814 to McMeekin. Applicants respectfully traverse these rejections.

It may be noted first, in this regard, that the Office Action asserts that “McMeekin teaches tone burst creation circuitry (reads on pre-distortion processor in fig. 1 (120’)) that incorporates the provided coded and serialized information into a pilot tone burst (110’); and a wireless transmitter (TRANS) that wireless transmits an audio signal from the microphone (reads on 190) mixed with the pilot tone burst (114” and see figs 1-3 and col. 4 line 45-col. 5 line 67)” (Office Action of 2/10/09, page 8). However, McMeekin explicitly states that “The invention uses the pre-distortion processor 120 to pre-distort either voice, data, or pilot tone signals” (McMeekin, col. 4, lines 53-55). Since the McMeekin processor does one but not the others, McMeekin does not meet the limitations of claims 17-20 that require mixing of the pilot tone with the audio information. Since McMeekin does not meet this claim limitation, the combination does not

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teach or suggest each and every claim limitation. Since the combination does not teach each and every claim limitation, the rejections are improper and should be withdrawn.

Closing Remarks


For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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